

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 11, 2003

Senate Chamber

President Risch called the Senate to order at 9:45 a.m.

Roll call showed all members present except Senators Burkett, Darrington, Kennedy, Noh, Pearce, and Schroeder, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Deidra Parish, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Noh was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 10, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Burkett, Kennedy, and Schroeder were recorded present at this order of business.

March 11, 2003

The JUDICIARY AND RULES Committee reports that **S 1153** has been correctly printed.

DARRINGTON, Chairman

S 1153 was referred to the Finance Committee.

March 10, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1029, S 1030, S 1032, S 1033, S 1034, S 1047**, and **S 1048** were delivered to the Office of the Governor at 2:40 p.m., March 10, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 10, 2003

The JUDICIARY AND RULES Committee reports that **S 1062**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1062, as amended, was filed for first reading.

March 10, 2003

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1062, H 59, H 195**, as amended in the Senate, **H 194**, and **H 255** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 7, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **H 174**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

NOH, Chairman

There being no objection, **H 174**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 10, 2003

The JUDICIARY AND RULES Committee reports out **H 214, H 220, H 266**, and **H 71**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

H 214, H 220, H 266, and **H 71**, as amended, were filed for second reading.

March 11, 2003

The FINANCE Committee reports out **S 1153** with the recommendation that it do pass.

CAMERON, Chairman

S 1153 was filed for second reading.

March 10, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 276** with the recommendation that it do pass.

BUNDERSON, Chairman

H 276 was filed for second reading.

March 10, 2003

The STATE AFFAIRS Committee reports out **H 329** with the recommendation that it do pass.

SORENSEN, Chairman

H 329 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 11, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Lori Rouse of Boise, Idaho, to be Acting State Senator for Legislative District 15. This appointment will be effective March 12, 2003, and continue until such time as Senator John Andreason is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, John Andreason, State Senator, District 15, Ada County, State of Idaho, has nominated Lori Rouse of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 15, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Lori Rouse, to the office of State Senator, District 15, Ada County, State of Idaho, for a term commencing on March 12, 2003, and continuing until such time as Senator John Andreason is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho this Tenth day of March, in the year of our Lord Two thousand and three and of the Independence of the United States of America, the two hundred and twenty-seventh year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 10, 2003

Mr. President:

I transmit herewith **H 291**, **H 272**, **H 328**, and **H 303**, and I return herewith **S 1143**, which have passed the House.

JUKER, Chief Clerk

H 291, **H 272**, **H 328**, and **H 303** were filed for first reading.

S 1143 was referred to the Judiciary and Rules Committee for enrolling.

March 10, 2003

Mr. President:

I transmit herewith Enrolled **H 166**, **H 247**, and **H 223** for the signature of the President, and I return herewith Enrolled **S 1031** and **S 1112**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 166**, **H 247**, and **H 223** and ordered them returned to the House.

Enrolled **S 1031** and **S 1112** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Pearce was recorded present at this order of business.

S 1154 **BY FINANCE COMMITTEE** AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1155
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS TO THE ENVIRONMENTAL REMEDIATION FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO STATE MATCH; EXPRESSING LEGISLATIVE INTENT REGARDING THE USE OF AIR QUALITY PERMITTING FUNDS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE KOOTENAI COUNTY AIR QUALITY ADVISORY COMMITTEE.

S 1156
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2004; EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF ANY UNEXPENDED AND UNENCUMBERED GENERAL FUND MONEYS TO THE DEMOCRACY FUND; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1157
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2004; APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2003; AND DECLARING AN EMERGENCY FOR SECTION 2 OF THIS ACT.

S 1158
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1159
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE AERONAUTICS FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; REAPPROPRIATING CERTAIN

UNEXPENDED AND UNENCUMBERED BALANCES; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR AIRPORT DEVELOPMENT GRANTS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR AIRCRAFT POOL PROGRAM COSTS; AND AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND.

S 1160
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-310, IDAHO CODE, TO PROVIDE THAT PERSONS CONVICTED OF MURDER OR VOLUNTARY MANSLAUGHTER SHALL NOT BE RESTORED THE RIGHT TO SHIP, TRANSPORT, POSSESS OR RECEIVE A FIREARM REGARDLESS OF THE DATE OF THEIR CONVICTION IF THE CONVICTION WAS THE RESULT OF AN OFFENSE COMMITTED BY USE OF A FIREARM.

S 1161
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1162
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO LIMITATION ON BUDGET REQUESTS FROM PROPERTY TAXES; AMENDING SECTION 63-802, IDAHO CODE, TO EXEMPT PEST CONTROL AND MOSQUITO ABATEMENT ACTIVITIES FROM THE THREE PERCENT CAP, UPON A PUBLIC HEARING BEING HELD AND A DETERMINATION THAT THE PUBLIC HEALTH OR ECONOMIC INTERESTS COULD BE ADVERSELY AFFECTED BY INSECTS OR BY INVASIVE SPECIES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1154, S 1155, S 1156, S 1157, S 1158, S 1159, S 1160, S 1161, and S 1162 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 59, as amended in the Senate, by Mr. Speaker, was read the first time at length and filed for second reading.

H 195, as amended in the Senate, as amended in the Senate, by Local Government Committee, was read the first time at length and filed for second reading.

H 194, as amended in the Senate, and **H 255**, as amended in the Senate, by Revenue and Taxation Committee, were read the first time at length and filed for second reading.

S 1062, as amended, by Education Committee, was read the first time at length and filed for second reading.

H 291, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 272, by Education Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 328, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 303, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Darrington was recorded present at this order of business.

H 261, by Education Committee, was read the second time at length and filed for third reading.

S 1149, S 1150, S 1151, and S 1152, by Finance Committee, were read the second time at length and filed for third reading.

H 143, H 134, and H 133, by Business Committee, were read the second time at length and filed for third reading.

H 66, as amended, by Mr. Speaker, was read the second time at length and filed for third reading.

H 92, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 329, by Ways and Means Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1134 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1134** passed, title was approved, and the bill ordered transmitted to the House.

S 1144 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Sweet, Williams. Total - 26.

NAYS--Andreason, Burkett, Calabretta, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 9.

Total - 35.

Whereupon the President declared **S 1144** passed, title was approved, and the bill ordered transmitted to the House.

S 1145 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stennett, Sweet, Williams. Total - 29.

NAYS--Andreason, Calabretta, Kennedy, Schroeder, Stegner, Werk. Total - 6.

Total - 35.

Whereupon the President declared **S 1145** passed, title was approved, and the bill ordered transmitted to the House.

S 1146 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Schroeder. Total - 1.

Absent and excused--Davis, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1146** passed, title was approved, and the bill ordered transmitted to the House.

S 1147 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Andreason, Calabretta, Schroeder, Stegner, Stennett, Werk. Total - 6.

Total - 35.

Whereupon the President declared **S 1147** passed, title was approved, and the bill ordered transmitted to the House.

H 106 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 106** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Cameron to the Chair.

H 108 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 108** passed, title was approved, and the bill ordered returned to the House.

H 109 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 109** passed, title was approved, and the bill ordered returned to the House.

H 157 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 157** passed, title was approved, and the bill ordered returned to the House.

H 36 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 36** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 38** retained its place on the Third Reading Calendar.

H 40 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 40** passed, title was approved, and the bill ordered returned to the House.

H 259 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 259** passed, title was approved, and the bill ordered returned to the House.

H 233 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 233** passed, title was approved, and the bill ordered returned to the House.

H 76 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 76** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 132** retained its place on the Third Reading Calendar.

H 179 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 179** passed, title was approved, and the bill ordered returned to the House.

H 32 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 32** passed, title was approved, and the bill ordered returned to the House.

H 30 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Calabretta. Total - 1.

Absent and excused--Burkett, Stennett. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 30** passed, title was approved, and the bill ordered returned to the House.

H 58 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 58** passed, title was approved, and the bill ordered returned to the House.

H 60 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 60** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 62, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Compton, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stennett, Werk, Williams. Total - 29.

NAYS--Burkett, Cameron, Darrington, Sweet. Total - 4.

Absent and excused--Keough, Stegner. Total - 2.

Total - 35.

Whereupon the President declared **H 62**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 11, 2003

The JUDICIARY AND RULES Committee reports that **S 1143** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1143** and ordered it transmitted to the House for the signature of the Speaker.

March 12, 2003

The FINANCE Committee reports out **H 328** with the recommendation that it do pass.

CAMERON, Chairman

H 328 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 11:55 a.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Schroeder, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 11, 2003

Mr. President:

I return herewith Enrolled **S 1143**, which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1143** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 11, 2003

Mr. President:

Pursuant to Joint Rule 15, the House of Representatives requests the return of **H 272** due to a transmittal error.

JUKER, Chief Clerk

The report was ordered filed in the office of the Secretary of the Senate. The State Affairs Committee was ordered to report out **H 272** to be returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 11, 2003

The STATE AFFAIRS Committee reports out **H 272** to be returned to the House of Representatives due to an error in transmittal, pursuant to Joint Rule 15.

SORENSEN, Chairman

H 272 was returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 127 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noh arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Williams. Total - 25.

NAYS--Brandt, Burkett, Cameron, Kennedy, Malepeai, Marley, Noble, Stennett, Sweet, Werk. Total - 10.

Total - 35.

Whereupon the President declared **H 127** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 38**, having been held, was placed before the Senate for consideration at this time.

H 38 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Calabretta, Keough. Total - 2.

Total - 35.

Whereupon the President declared **H 38** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 132**, having been held, was placed before the Senate for consideration at this time.

H 132 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 132** passed, title was approved, and the bill ordered returned to the House.

H 129 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 129** passed, title was approved, and the bill ordered returned to the House.

H 35 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 35** passed, title was approved, and the bill ordered returned to the House.

H 43 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 43** passed, title was approved, and the bill ordered returned to the House.

H 46 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 46** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Andreason to the Chair.

H 268 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 268** passed, title was approved, and the bill ordered returned to the House.

H 267 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 267** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 260 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett and Calabretta arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Burkett, Calabretta, Compton, Goedde, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 18.

NAYS--Andreason, Bailey, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Marley, Noble, Pearce, Richardson, Sweet, Williams. Total - 17.

Total - 35.

Whereupon the President declared **H 260** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9:30 a.m., Wednesday, March 12, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary